

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division

WILLIAM R. CARROLL, et al.

*

Plaintiffs

*

Civil Case No.

v.

*

MJG-02-CV-2084

BENJAMIN J. MARTIN, et al.

*

Defendants

*

* * * * *

PRETRIAL ORDER

William R. Carroll, et. al. Plaintiffs, by their attorneys, Henry L. Belsky, Esquire, and Schlachman, Belsky & Weiner, P.A., and Benjamin J. Martin, et. al., Defendants, by their attorney, Michael Mann, jointly submit this pretrial order, and state as follows:

A. Plaintiffs' Statement of Facts and Legal Theories:

Plaintiff William Carroll was lawfully operating his bicycle southbound on the shoulder of Route 27 in Montgomery County when his bicycle was struck by the Defendant's vehicle causing Plaintiff to be ejected from his bicycle and injured.

Plaintiffs' claims are based upon the legal theories of negligence by the Defendant driver in operating the vehicle, violations of the transportation code by the Defendant driver, respondent superior liability of employer Defendant

Lamtech, Inc., and Plaintiff's course of habit in operating his bicycle. Plaintiffs also assert a loss of consortium claim based upon these same legal theories.

B. Defendants' Statement of Facts and Legal Theories:

The Defendants deny that they were negligent in any way in this incident. The evidence in this case will show that the Plaintiff, was riding his bicycle on the shoulder of the roadway of Route 27 as the Plaintiff approached the accident scene. The Defendants' vehicle was traveling on Route 27 in the same direction as the Plaintiff. As the Defendants' vehicle was passing the Plaintiff, the Plaintiff suddenly veered off of the shoulder in to the travel lane of the roadway, thereby causing the collision.

C. Counterclaims, Crossclaims or Third-Party claims: None.

D. Amendment of Pleadings: None.

E. Issues to be Abandoned: None.

F. Stipulations: Plaintiffs' request stipulations as to the following:

- 1) Fairness and reasonableness of Plaintiff's medical bills.
- 2) Authenticity of Plaintiff's medical bills.
- 3) Authenticity of Plaintiff's medical records.
- 4) Authenticity of Plaintiff's lost wage documents.
- 5) Authenticity of police report of accident.

G. Damages claimed: Plaintiff's physical and emotional pain and suffering; Plaintiffs' loss of consortium, as well as the medical expenses and lost wages as itemized in the attached specials list.

H. Exhibit Lists-Plaintiff:

- 1) Medical illustrations of Plaintiff's injuries.
- 2) Medical records and x-rays.
- 3) Medical bills.
- 4) Photographs of scene, Plaintiff's injuries, Plaintiff's bicycle, and Defendant vehicle.
- 5) Videotape of Plaintiff's physical therapy.
- 6) Notes taken by Brent Keener of his conversation with Defendant Martin.
- 7) Deposition transcripts of Defendant's corporate designee and Defendant Martin, if needed.
- 8) Accident report completed by investigating police officer.

Exhibit List-Defendant

- 1) Photographs of the scene of the incident.
- 2) Photographs of the Defendants' vehicle.

I. Witness List: See attached Plaintiff's witnesses.

Defendants' witnesses-Benjamin Martin, Defendant; Brent Keener, Lamtech, Inc. Defendant; Raymond Curtis, 5176 Almeria Court, Mt. Airy, Maryland; and Officer R.T. Faass, Montgomery County Police Department, Germantown District Station, 2000 Aircraft Drive, Germantown, Maryland.

J. Expert Lists: See attached.

K. Deposition portions to be offered: None.

L. Requested pre-trial relief/ motions: None.

M. Other matters added by Court: See attached voir dire and jury instructions.

Date: December 19, 2003

/S/
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